

07/15/08

Supersedes Form dated 12/3/79, 4/10/80, 11/19/82, 5/9/83, 12/7/90, 12/20/96, 07/14/04, 09/01/05 & 08/06/07

March 17, 2009

SPECIAL ATTENTION**FUEL ADJUSTMENT**

(a) The shortage of all products in relation to the national and worldwide energy situation has made future costs of fuel unpredictable. For this reason, a price adjustment clause is being inserted in this contract to provide for either additional compensation to the Contractor or payment to the State, depending upon an increase or decrease in the price of fuel.

(b) The fuel usage factors, which will be applied to the several items of the Contract shall be those set forth in Table 1.

(c) Price adjustment will be based upon the quantity of fuel incorporated in the work as determined by the factors in Table 1.

When the monthly sales price determined per paragraph (f) is more than 110% of the fixed base price set forth in paragraph (e), a contract adjustment will be made under Item 1010.15 based on: [monthly sales price less 110% of the fixed base price] multiplied by [item quantity eligible for payment during month] multiplied by [fuel factor].

When the monthly sales price determined per paragraph (f) is less than 90% of the fixed base price set forth in paragraph (e), a contract adjustment will be made under Item 1010.15 based on: [monthly sales price less 90% of the fixed base price] multiplied by [item quantity eligible for payment during month] multiplied by [fuel factor].

(d) The Contractor warrants that its bid prices for this Contract include no allowances for any contingency to cover increased costs for which adjustment is provided herein.

(e) The fixed base price of fuel will be:

\$ 1.8000 per gallon on English Projects.

\$ 0.4756 per liter on Metric Projects.

This price is used solely to compute price adjustments. The fuel price will be the lower bulk retail price of low sulfur diesel fuel for Boston as published by the Journal of Commerce and will include current Federal and State taxes.

(f) The monthly sales price of fuel will be determined by the Department on the 15th calendar day of each month. When the 15th calendar day falls on a Sunday, the price on the first

business day following the 15th calendar day will be utilized. Monthly sales prices will be set in the same manner as indicated in paragraph (e).

(g) The contract prices for the several items will be paid under the Contract. The price adjustment, when such adjustment is called for as provided in paragraph (c), will be made subsequent to the month in which the work was accomplished.

(h) No price adjustment will be allowed beyond the Project completion date unless there is a Department-approved extension of time. Price adjustments will not be made on quantities adjusted as a result of the final audit.

(i) The Department will not be responsible for computing or otherwise indicating price adjustments except to the prime contractor, which must make its own arrangements with its subcontractors.

(j) When no item for Fuel Adjustment is included in the contract no adjustments will be made.

Pay items and units:

1010.15	Fuel Adjustment ¹	\$
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¹ Not a bid item.

Table 1 - FUEL FACTORS

Item of Work	Item No.	Units	Fuel
Excavation:			
Earth	203.1	gal/c.y.	0.26
	203.4	(liters/m ³)	(1.29)
	203.5		
	203.7		
	206.1		
	207.1_		
	504.1_		
Rock	203.2	gal/c.y.	0.34
	206.2_	(liters/m ³)	(1.68)
	207.2		
	504.2_		
Other	203.3	gal/c.y.	0.31
	203.6	(liters/m ³)	(1.54)
	207.3_		
	504.3_		
Bases:			
Unprocessed	209.1,.3,.4_	gal/c.y.	0.46
	304.1	(liters/m ³)	(2.28)
	304.2_		
Processed	304.3	gal/c.y.	0.82
	308.2	(liters/m ³)	(4.06)
	311.1_		
	312._		
	313._		
	314._		
Bituminous Concrete			
Pavement ²	403._	gal/ton	1.90
	411._	(liters/m ³)	(7.93)
	414.1_		
All Other Items:			
		gal/\$1,000 of work (liters/\$1,000 of work)	13.0 (49.2)
Excluding: ³	201._	550.2_	618._
	510.61_	560._	619._
	510.65_	561._	624._
	528._	563.5_	692._
	544._	563.6	698._
	546._	563.7_	8_._.
	549._	563.91_	10_._.
	550.1_	567._	

² Item 403.6 shall be calculated using the “All Other Items” category rate.

³ Also excluded are all supplementary agreements, extra work and per specification items.